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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,909	08/31/2001	James R. Curtis	10015683-1	8138

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,909

Applicant(s)

CURTIS ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Cheng et al. US (6,775,700).

Cheng et al. disclose claims :

1. A system for requesting information about Resources comprising:

a Client CIM (760), for receiving a request from the Client for information about at least one Resource on a Cluster, and providing the request to a requesting Node on the Cluster (700);
a requesting CIMOM (740↔760), provided on the requesting Node and connected to the Client CIM, for receiving the request, wherein the requesting Node comprises a Multiplex Provider for communicating the request to additional CIMOM Nodes on the Cluster (730↔750); and
at least one additional CIMOM Node on the Cluster and connected to the requesting CIMOM Node, whereupon receiving the request from the Client CIM, the requesting CIMOM Node provides the request to the Multiplex Provider, and the Multiplex Provider contacts the at least one additional CIMOM Node and requests the information (700↔750; fig.6).

2. The system of claim 1, whereupon receiving the request for information the at least one additional CIMOM Node obtains information from at least one Provider associated with the at least one additional CIMOM Node and forwards the obtained information to the Multiplex Provider (740↔750).

3. The system of claim 2, whereupon receiving the obtained information, the Multiplex Provider compiles the obtained information with information obtained from at least one additional Provider into a table, the table being presented to the Client (200).

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4. The system of claim 1, wherein each of the requesting CIMOM Node and the at least one additional CIMOM Node is compliant with at least one of the Common Information Modeling standard and the WBEM standard (col.1, lines 33-63).

5. The system of claim 1, wherein the request further comprises a scope for the request, the scope designating from which of the additional CIMOM Nodes the requesting CIMOM Node is to request information (fig.6).

6. The system of claim 5, wherein the requesting CIMOM Node communicates a local scope to the at least one additional CIMOM Node, wherein the local scope directs each of the at least one additional CIMOM Node receiving the local scope to request the information on a local scale (method steps 500-620).

7. A process for receiving information about Resources on a Cluster comprising:
receiving a request from a Client at a first Node on a Cluster; providing the request to a Multiplex Provider associated with the first Node; communicating the request, via the Multiplex Provider, to at least one CIMOM Node; receiving information from at least one CIMOM Node, through the Multiplex Provider; compiling the received information; and providing the received information to the Client through the first Node. (claim 7 is similarly rejected as in claims 1-6)

8. The process of claim 7, wherein the request is communicated by the Client through a Client CIM connected to a requesting CIMOM associated with the first Node. (claim 8 is similarly rejected as in claims 1-6)

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9. The process of claim 8, wherein each of the Client CIM and the requesting CIMOM is compliant with the Common Information Modeling standard. (claim 9 is similarly rejected as in claims 1-6)

10. The process of claim 7, wherein the request further comprises a request for discovery of at least one Resource available on the Cluster. (claim 10 is similarly rejected as in claims 1-6)

11. The process of claim 10, whereupon receiving a request for discovery, the first Node directs the Multiplex Provider to discover which of the at least one Resource is available from which Nodes on the Cluster, and the first Node stores a result of the discovery in a database (claim 1 of Cheng et al.)

12. The process of claim 11, wherein a result of the request for discovery results in an identification of at least one Resource on a Cluster which meets a predefined threshold specified by the Client (claim 3).

13. The process of claim 7, wherein the request further comprises an indication of a scope for requesting information from the Cluster (col.6, lines 54-67).

14. The process of claim 13, wherein the scope includes a request for information from at least one of a Node, a Provider, a type of Provider, a Resource, a type of Resource and a subset of a Resource (col.5, line 57-col.6, line 54).

15. A process for determining which Resources are present on a Cluster comprising:
establishing a communications link between a Client and at least one Node on the Cluster,
wherein the Client is requesting information about at least one Resource on a Cluster; and
communicating a scope of the request, wherein the scope specifies a field of search on the
Cluster (method steps of figs. 3-5).

16. The process of claim 15, wherein the scope is determined by a Client based upon a result of a
discovery, wherein the discovery further comprises sending a query from a requesting CIMOM
Node to each of at least additional CIMOM Node on the Cluster, the query further comprising a
request for an identification of at least one of a Node, Resource, Provider and object that is
accessible via the Cluster (method steps of figs. 3-5).

17. The process of claim 16, wherein the at least one additional CIMOM Node provides a
response to the request, the response including an identification of at least one object on the
Cluster and whereupon receiving the response, the request is compiled into a tabular form by the
requesting CIMOM Node (method steps of figs. 3-5).

18. The process of claim 17, wherein the process further comprises filtering the identification of
at least one object for presentation on the Client Node (method steps of fig. 3).

19. A process for obtaining information about at least one Resource on a Cluster comprising:

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receiving a request, for information about at least one Resource on a Cluster, from a Client through a Client CIM, and a Client CIMOM provided on a first Node on the Cluster; providing the request to a Multiplex Provider; determining a scope of the request; performing discovery on the Cluster for at least one Provider providing information responsive to the request by sending a broadcast probe across the Cluster; receiving, from at least one of at least one additional CIMOM Node, at least one Resource and at least one Provider, at least one response to the broadcast probe; providing the results of the broadcast probe to the Client, via the Client CIM; receiving from the Client, via the Client CIM, a scope for the query, wherein the scope includes an identification of at least one of the at least one additional CIMOM Node, Resource and Provider that responded to the broadcast probe to whom the Client desires to communicate the query; communicating the query to at least one of the CIMOM Nodes, Resources and Providers identified by the scope of the query; receiving information in response to the query from at least one of the CIMOM Nodes, Resources and Providers identified by the scope of the query; compiling the information received into a table; and providing the compiled data to the Client via the Client CIM. (Claim 19 is similarly rejected as in claims 1-18)

20. A computer readable medium containing instructions for implementing the process of claim 19. (Claim 20 is similarly rejected as in claims 1-18).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David

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Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



February 6, 2005

**JEFFREY PWU
PRIMARY EXAMINER**